

EXHIBIT 1 TO EMERGENCY JOINT MOTION
IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

NORTHERN STATES POWER COMPANY,
a Wisconsin corporation,

Plaintiff,

v.

THE CITY OF ASHLAND, WISCONSIN;
ASHLAND COUNTY, WISCONSIN; and
L.E. MYERS COMPANY,

Defendants.

Case No. 12-cv-602

ORDER FOR JUDGMENT

This matter comes before the Court on the Emergency Joint Motion for Determination of Good Faith Settlement submitted by Plaintiff Northern States Power Company, a Wisconsin corporation (“NSPW”), and Defendant L.E. Myers Company (“LEM” or “Myers Company”). This motion is supported by the parties’ Memorandum in Support of Joint Motion for Determination of Good Faith Settlement (Docket No. 514) and the April 28, 2015 Declaration of Mary Rose Alexander (Docket No. 515). Based on the parties’ submittals, and all of the files, records, and proceedings in this action, the Court hereby grants this Order for Judgment, and orders as follows:

1. The Settlement Agreement, dated April 28, 2015, between NSPW and Myers Company (the “Settlement Agreement”) was entered into by these settling parties in good faith, and is fair, adequate, reasonable, and consistent with applicable law, including the Comprehensive Environmental Response, Compensation and Liability Act (“CERCLA”), 42 U.S.C. §§ 9601 et seq., and the Settlement Agreement is hereby approved.

2. All claims asserted by NSPW against Myers Company in this action are hereby dismissed with prejudice.

3. All counterclaims asserted by Myers Company in this action against NSPW are hereby dismissed with prejudice.

4. All cross-claims asserted by Myers Company against any other Defendants in this action are hereby dismissed with prejudice, and all cross-claims asserted by any other Defendants in this action against Myers Company are dismissed with prejudice.


5. Myers Company is dismissed as a party from this action.

6. Pursuant to the terms of the Settlement Agreement, this Order provides Myers Company, and its respective parents, affiliates, subsidiaries, directors, employees, predecessors, successors, and assigns, with all the protection granted by CERCLA and other applicable federal and state law against any other actions or claims, including, but not limited to, claims under CERCLA §§ 113 and/or 107 and Wisconsin statutory or common law that are, have been, or in the future might be asserted by NSPW or any other person or party concerning any and all matters involving the Site.

7. There is no just reason for delay, and accordingly, Judgment shall be entered forthwith and without delay in accordance with this Order.

LET JUDGMENT BE ENTERED ACCORDINGLY AND WITHOUT DELAY.

BY THE COURT



The Honorable Barbara B. Crabb
United States District Judge

April 29, 2015